

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Allegation of Corruption against Sri Pasupureddi Eswar Rao, Revenue Inspector, Parvathipuram Municipality, Vizianagaram District- Trapped by A.C.B., on 27.3.2010- Prosecution – Acquitted in CC.No.09/2010 on the file of Addl. Spl. Judge for ACB cases, Visakhapatnam – Further action dropped – Orders –Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT(VIG.I) DEPARTMENT

G.O.RT.No. 745

Dated:17.11.2015

Read the following:-

1. Radio Message dated 27/28.03.2010 from the DSP, ACB, Vizianagaram Range, Vizianagaram.
2. Proc.Rc.No.152/2010/A1,Dt:30.3.2010 of the Regional Director-cum- Appellate Commissioner, M.A., Visakhapatnam.
3. Govt. Memo No.6230/Vig.IV.2/2010-1, dated:07.04.2010.
4. From the Director-General, Anti Corruption Bureau, Hyd.Lr.Rc.No. 46/RCT-VVZ/2010,Dt:11.10.2010.
5. Govt. Memo No.6230/Vig.IV.2/2010-2, dated:10.11.2010.
6. Proc.Rc.No.152/2010/A1,Dt:7.12.2010 of the Regional Director-cum- Appellate Commissioner, M.A., Visakhapatnam.
7. Judgment of the Spl. Judge for ACB cases, Visakhapatnam dt.11.07.2013 in C.C. No. 09/2011 against Sri P. Eswar Rao, Revenue Inspector quoted by the C&DMA vide Lr.dt.03.04.2015
8. From the C&DMA,AP.,Hyd Lr.Rc.No.6884/2010/A1, Dated: 03.04.2015
9. Govt. Memo 6230/Vig.I(1)/2010, DT.19.06.2015)
10. From the D.G.,ACB Lr.Rc.No.46/RCT-VVZ/2010-S12 , dt.29.06.2015

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ORDER:

In the reference 1st read above, it was brought to the notice of the Government that Sri. Pasupureddi Eswar Rao, while working as Revenue Inspector, at Parvathipuram Municipality, Vizianagaram District, was trapped by the Anti Corruption Bureau on 27.03.2010, when he demanded and accepted a bribe amount of Rs. 6,000/-, as illegal gratification, from a Complainant for doing official favour, for fixation of House Tax to newly constructed house of the Complainant in the name of his Mother-in-Law and to reduce the value of the house tax from Rs.1400/- to Rs.650/-. Accordingly, in the reference 2nd read above, the Regional Director-cum-Appellate Commissioner, Municipal Administration, Visakhapatnam placed Accused Officer Sri. P.Eswar Rao, Revenue Inspector, Parvathipuram Municipality, Vizianagaram District, under suspension. The Government in the reference 5th read above, have also issued instructions to place the Accused Officer, under deemed suspension from 27.3.2010, as per Rule 8(2)(a) of A.P.C.S. (CC&A)Rules,1919.

2. In the reference 4th read above, the Director-General, Anti Corruption Bureau, Hyderabad, has furnished 'Final Report' recommending for prosecution of the A.O. in a Court of Law for the above said allegation, U/s 7 & 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and also to initiate departmental action against the A.O. for violation of A.P. Civil Services(Conduct)Rules,1964.

3. Accordingly, Government in the reference 5th read above, have issued instructions to the Commissioner & Director, Municipal Administration, Hyderabad to consider and accord sanction for prosecution of the Accused Officer & applicant Sri.P.Eswar Rao, Revenue Inspector (U/s), in a Court of Law, U/s 7 &13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and also to initiate departmental action against the A.O. for violation of A.P. Civil Services (Conduct) Rules,1964.

4. In the reference 6th read above, the Regional Director-cum-Appellate Commissioner, Visakhapatnam, has accorded sanction for prosecution of the A.O. Sri.P.Eswar Rao,

Revenue Inspector (U/s). Charge-Sheet was filed in CC.No.09/2011 in the Hon'ble Court of Special Judge for A.C.B. Cases, Visakhapatnam.

5. The Director General, ACB,AP, Hyderabad in his letter dt.22.07.2013 has submitted that on the charge sheet filed against Sri P.Eswara Rao, Revenue Inspector,

(PTO)

Vizianagaram, the III Additional District and Sessions Judge cum Spl. Judge for ACB Cases, Visakhapatnam has delivered the Judgment on 11.07.2013 in C.C. No. 09/2011 against Sri P. Eswar Rao, Revenue Inspector, Parvathipuram Municipality, Parvathipuram, Vizianagaram District and pronounced that the Accused officer is found not guilty of the charges framed U/s 7 & 13 (2) r/w 13 (1) (d) of the P.C. Act, 1988 and acquitted under section 248(1) Cr. P.C.

6. The Judgment of the Spl. Judge for ACB cases, Visakhapatnam dt. 11.07.2013 in C.C. No. 09/2011 against Sri P. Eswar Rao, Revenue Inspector is as follows:

"On considering the evidence on record and looking into the facts and circumstances of the case, I hold that the evidence on record throw a doubt as to the case of the prosecution and I feels that it is a fit case to acquit the accused by giving benefit of doubt. It is to be noticed that the defacto complainant is not examined, before the Court and P.W.1 turned hostile to the case of the prosecution and he did not support the case of the prosecution His hostility before this Court is proved by virtue of the evidence of P.W.5 Investigating Officer. There is no consistent evidence that the tainted amount was of the defect^o complainant. Considering the facts and circumstances, I feels that It is proper to order confiscation of tainted amount to the Government.

Hence, I hold that the prosecution has failed to prove the aforesaid of demand and acceptable of bribe by AO from the defacto complainant for official favour and such the prosecution has further failed to prove criminal mis-conduct against charges the AO. Hence, I hole that the prosecution has failed to prove the charges framed against AO and AO is liable to be acquitted by giving benefit of doubt.

"In the result, the AO is found not guilty of the charges under section 7 and section 13(1) (d) read with section 13(2) of Prevention of Corruption Act and he is acquitted for the said offences under section 248(1)Cr.P.C, M.Os.1 to 4and 6 to 8 shall be destroyed after appeal time is over and the tainted cash of Rs.6000/- under M.O.S. shall be confiscated to state after appeal time is over and the ball bonds of AO will remain in force for a period of Six(6) months under Section 437(a) Cr.P.C ."

7. The Director General, ACB, AP, Hyderabad in the reference 10th read above has informed that the Bureau is of the opinion that there are no grounds to prefer an appeal against the acquittal orders of the trial court.

8. Government after careful examination of the matter and in view of the Judgment of the Spl. Judge for ACB cases, Visakhapatnam dt. 11.07.2013 in C.C. No. 09/2011 hereby drop further action against Sri P. Eswar Rao, Revenue Inspector, Parvathipuram Municipality, Vizianagaram District.

9. The Director of Municipal Administration shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Eswar Rao, Revenue Inspector, Parvathipuram Municipality, Parvathipuram,
Vizianagaram District through DMA, AP, Hyderabad.
The Director of Municipal Administration, AP, Hyderabad
The Director General, ACB, AP, Hyderabad.

Copy to:

The Secretary to APVC.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER